

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.
2. On February 21, 2012 this Court entered an Order of Default against the Defendant for its failure to answer to the complaint.
3. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$35,409.92 for the months of August 2011 through December 2011. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$1,637.35 for the period August 2011 through December 2011. (Exhibit 1, affidavit of John Libby)

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$353.93 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit 1)

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$3,394.78 for the period April 2011 through January 2012 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit 1)

7. The Defendant owes the sum of \$2,655.25 for necessary and reasonable attorney fees and costs of \$405.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit 2, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of **\$43,856.23**.

Respectively submitted,

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